

own motion excused all who had read said paper.

Third, Because the said Priest did, after the trial and conviction of said Sanders, of murder in the first degree, and after granting a new trial, he, the said Priest, being editor of the official journal, the *San Augustine Advertiser*, begotten by the iniquitous printing law of the Twelfth Legislature, did comment upon the evidence in the said case of Sanders, and pervert the same, and make defense for said Sanders in said official newspaper, the cause still pending in said Priest's court.

Fourth, Because at the July term of 1873 of the District Court of Cherokee county, the said Priest refused on the final hearing of a *nisi* judgment, upon a forfeiture of a recognizance for four thousand dollars against R. M. Sanders, W. P. Britton and J. R. Montgomery, to allow the issue to be tried before a jury, but ignorantly and arbitrarily assumed to himself the right to try and dispose of the case, and disallowed an appeal from his judgment.

Fifth, Because the said Priest combining with Judge L. W. Cooper of the Third District by partial rulings, did hinder and defeat justice by causing an acquittal of R. M. Sanders, after he, the said Sanders, had been twice convicted of murder in the first degree; the two judges believing that their allegiance to a political party was above their obligations under their oaths to the Constitution and laws of the State of Texas.

Sixth, Because the said Priest has willfully neglected and refused to perform the duties of his office in utter disregard for his oath in this: 1, Refusing to hold the... term of the... year of San Augustine court. 2, In refusing to hold the March term of 1873 of the District Court of Cherokee county. 3, In failing and refusing to hold the courts in Nacogdoches county longer than two weeks, notwithstanding the time allowed by law is three weeks, and he the said Priest has almost invariably failed to try all the causes on the docket of said court of said county.

Seventh, That said Priest has failed and refused to sign the minutes on the dockets before adjourning the terms. Because the said Priest has, on divers and sundry occasions, long after the adjournments of the terms of the courts in his district, and especially after the adjournment of the December term of 1872, of the District Court of Cherokee county, signed the minutes of said term without the same having been entered and read in court before adjournment. That said Priest, being ignorant of the laws, has, on several occasions, ordered *venues* for colored men exclusively, and especially in the cases of Mandy Wilson, who was under trial for murder; in

trying causes wherein he was interested, on the docket of the Cherokee district court, in the case of B. Renn and others v. W. P. Britton, and same against Steel and Carter.

Eighth, Because said judge is generally incompetent, and is without the confidence of the profession or the people of his district.

*Resolved*, That this address be entered upon the journals of both houses of this Legislature, and that said M. Priest, Judge of the Fourth Judicial District of this State, who is a citizen of Cherokee county, be notified to appear on the ..... day of....., 1874, and make his defense to the causes set out in this address.

On motion of Tenator Dillard, the resolution of the House just read was adopted.

Senators Culberson, Wood and Dillard were appointed to act as the Senate committee, in the address just read, and all addresses of a similar nature.

The hour for the consideration of the special order having arrived, to-wit: Senate joint resolution "to call a constitutional convention," Senator Bradley moved that it be made the special order for Tuesday next at 11 o'clock A. M. Carried.

Senator Wood introduced a bill, entitled "An act for compiling a complete alphabetical and classified abstract of all located land in Texas." Read and referred to Committee on Land Office.

#### ORDERS OF THE DAY.

House bill No. 57, "An act to authorize the County Court of Aransas county to levy a special tax to build a jail," was read first time and referred to Judiciary Committee.

Senate bill No. 14, "An act to authorize district judges to inquire into the sufficiency of the bonds of justices of the peace," with the amendments of the House committee, were read and amendments concurred in.

Senate bill No. 6, "An act to regulate the sale of homesteads," was, on motion of Senator Hobbs, made special order for Saturday next, at 11 A. M.

Senator Flanagan offered the following resolution:

*Resolved*, That the use of the Senate Chamber, under the supervision of the sergeant-at-arms, be granted to the committee on reception for the inaugural ball on Thursday, and that the Senate stand adjourned until Saturday morning at 10 A. M.

Adopted.

#### TWENTY-FIRST DAY.

SENATE CHAMBER,  
AUSTIN, February 7, 1874. }

Senate met pursuant to adjournment. Roll called; quorum present.

Prayer by Rev. Mr. Black.

The journal of Wednesday was read and adopted.

On motion of Senator Westfall, Senator Erath was excused for a few hours to attend the Supreme Court.

On motion of Senator Hobby, Senator Parker was added to the Committee on Education.

Senator Russell presented a petition from citizens of Kinney county, "Asking for a new election." Read and referred to Judiciary Committee.

Senator Camp presented a petition "For relief of William C. Crawford." Read and referred to Committee on State Affairs.

A message from the House was received, announcing the concurrence by the House of Senate resolution "To take into consideration the propriety of reducing the number of judicial districts in this State," etc., and also announcing that the House had appointed Representatives Epperson, Harris, McLeary, Sadler and Edwards to act with the Senate committee on said question; also the passage of House bill No. 146, "An act to branch the Supreme Court."

Senator Stirman, chairman of the Committee on State Affairs, submitted the following reports:

*Hon. R. B. Hubbard, President of the Senate:*

Your Committee on State Affairs, to whom was referred the petition of citizens of Cameron county, asking that the auditorial board be re-constituted, and the time for the presentation of claims thereto extended, have carefully examined the same, and instruct me to report it back, with the recommendation that it do not pass.

All of which is respectfully submitted.

W. B. STIRMAN, Chairman.

*Hon. R. B. Hubbard, President of the Senate:*

Your Committee on State Affairs, to whom was referred the petition of the citizens of Starr county, have carefully examined the same, and instruct me to report it back, with the recommendation that it do not pass.

All of which is respectfully submitted.

W. B. STIRMAN, Chairman.

*Hon. R. B. Hubbard, President of the Senate:*

Your Committee on State Affairs, to whom was referred to memorial of F. W. Johnson, after carefully considering the same instruct me to report the same back with the recommendation that it be re-referred to the Judiciary Committee.

All of which is respectfully submitted.

W. B. STIRMAN, Chairman.

A message from the Governor was received, asking the advice and consent of the Senate to certain appointments.

Senator Culberson, on part of special committee, submitted the following report:

*Hon. R. B. Hubbard, President of the Senate:*

The special committee to whom was re-

ferred a resolution directing the committee to consider the subject of the memorial of certain officers upon address, as provided by the Constitution, and report the proper mode of procedure in such cases, have considered the same in conjunction with a like committee on the part of the House; and the committee instruct me to report the following rules of procedure in such cases, and to recommend their adoption.

CULBERSON, for Committee.

The rules of procedure were read and adopted, with the following amendment by Senator Ireland, which was also adopted: In rule second, strike out the word "tenth," and insert the word "fifth."

On motion of Senator Bradley, one hundred copies of the rules of procedure were ordered printed.

Senator Trolinger introduced a bill, entitled "An act to provide for and regulate the registration of deaths." Read and referred to the Judiciary Committee.

Senator Ireland introduced a joint resolution, "Instructing the Attorney General to bring suit against James Davidson, late Adjutant General, and to prevent the sale of property in this State held in his name until the termination of said suit." Read first time.

Senator Westfall introduced a bill, entitled "An act to amend an act entitled 'An act to re-incorporate and grant a new charter to the town of Georgetown,' and to repeal an act approved September 26, A. D. 1866, entitled 'An act to incorporate the town of Georgetown, in Williamson county, Texas.'" Read and referred to Committee on State Affairs.

(Senator Ireland in the chair.)

The hour for the special order having arrived, to-wit: Senate bill No. 45, "An act for the relief of the heirs of N. B. Garner," it was read second time and ordered engrossed.

(Mr. President in the chair.)

By leave, Senator Erath introduced a bill, entitled "An act to establish and define the powers of the criminal court in and for the counties of McLennan and Falls." Read and referred to the Judiciary Committee.

Under the rules of the special order, Senate bill No. 57, entitled "An act to provide for the registration of voters in all towns and cities in the State not otherwise provided for," was read second time and ordered engrossed.

Also, Senate bill No. 46, "An act for the relief of the heirs and assignee of James Ship, deceased," was read second time.

Senator Swift moved to amend the first section by adding after the word "enacted," "by the Legislature of the State of Texas." Adopted.

The bill as amended, was then ordered engrossed.

Senator Russell offered the following resolution:

*Resolved*, That the Committee on Printing be instructed to inquire into the reason of the delay in furnishing this body with the inaugural addresses of the Governor and Lieutenant Governor in the Spanish and German languages, as ordered by the Senate, and that said committee take necessary steps to procure the same.

Senator Ireland moved to amend by adding after the word "languages," "and those ordered in the English language." Amendment adopted, and the resolution, as amended, was adopted.

Senator Dillard introduced a bill, entitled "An act to amend an act entitled 'An act to amend section eleven of an act entitled an act concerning divorce and alimony,'" approved January 6, 1841, approved May 27, 1873. Read first time and referred to Judiciary Committee.

Senator Westfall introduced a joint resolution "Making an appropriation of six hundred (\$600) dollars to purchase Winchester rifles for certain parties therein named." Read first time and referred to Committee on Military Affairs.

Senator Friend introduced a bill entitled "An act for the relief of George W. Brooks." Read first time and referred to Committee on Private Land Claims.

Senator Stirman introduced a bill entitled "An act to amend an act entitled 'An act to incorporate the city of Austin,'" passed April 5, 1873. Read first time and referred to Committee on State Affairs.

Senator Ireland introduced a bill entitled "An act to amend section thirteen of 'An act providing for a geological survey of the State of Texas,'" approved August 13, 1870.

Senator Swift introduced the following resolution:

*Resolved*, That the sergeant-at-arms be required to employ such means as he may think proper, in employing some one to hunt up and identify the furniture, carpets and mats belonging to the room occupied by the Lieutenant Governor.

Adopted.

Senator Dwyer, for the Committee on Enrolled Bills, submitted the following report: Hon. R. B. Hubbard, President of the Senate:

Your Committee on Enrolled Bills have the honor to report that they have carefully examined Senate bill No. 51, "An act to regulate the holding of the District Court of Freestone county, at its April term," and find it correctly enrolled, and presented the same to the Governor for his signature, to-day at 10:30 o'clock, A. M., 1874.

Respectfully,

JOSEPH E. DWYER, for Committee.

Senator Culberson introduced a bill entitled "An act to amend an act entitled 'An act concerning private corporations,'" ap-

proved December 2, A. D. 1871. Read first time and referred to Judiciary Committee.

Senator Ireland introduced a bill, to amend the fourth section of an act, entitled "An act to provide for the publication of the decisions of the Supreme Court, and the appointment of a reporter thereof," approved November 12, 1866. Read first time and referred to Judiciary Committee.

On motion of Senator Hobby, the messages of the Governor was taken up and read.

EXECUTIVE OFFICE,

AUSTIN, February 7, 1874. }

*To the Honorable Senate of the State of Texas:*

I respectfully ask your consent to the appointment of the following officers, to-wit:

Peter W. Gray, of Harris county, to the office of Associate Justice of the Supreme Court of the State, vice W. P. Ballinger, resigned.

M. H. Bonner to the office of Judge of the Tenth Judicial District of Texas.

If necessary for your honorable body to act upon it at all, of which I have some doubt, but submit the question to your honorable body, I respectfully ask your consent to the provisional appointment of Hon. E. B. Pickett to the office of judge of the First Judicial District during the suspension, from official functions, of Hon. William Chambers, on articles of impeachment before your honorable body.

Respectfully submitted,

RICHARD COKE, Governor.

EXECUTIVE OFFICE,

AUSTIN, February 7, 1874. }

*To the Honorable Senate of the State of Texas:*

I respectfully ask your advice and consent to the following appointments, to-wit:

B. W. Witte, to be notary public, Austin county.

Thomas O'Callahan, to be notary public, Bee county.

C. S. Wurzbach, to be notary public, Bexar county.

F. M. Browning, to be notary public, Bosque county.

J. A. Bucktrots, to be notary public, Brazos county.

H. S. Newland, to be notary public, Brazos county.

A. M. Thornton, to be notary public, Barleson county.

George S. Menafee, to be notary public, Calhoun county.

Frank Gilbert, to be notary public, Cherokee county.

J. F. Templeton, to be notary public, Cherokee county.

George White, to be notary public, Collin county.

James M. Enloe, to be notary public, Collin county.

James Wilcox, to be notary public, Collin county.

D. W. Jackson, to be notary public, Colorado county.

A. H. Steagal, to be notary public, Dallas county.

John W. Lanc, to be notary public, Dallas county.

John M. McCoy, to be notary public, Dallas county.

Pierre M. Brown, to be notary public, Dallas county.

L. B. Wright, to be notary public, DeWitt county.

H. J. Stokes, to be notary public, Ellis county.

J. F. Aldridge, to be notary public, Ellis county.

Elijah Terry, to be notary public, Erath county.

J. W. Parker, to be notary public, Fort Bend county.

W. H. Hazlewood, to be notary public, Falls county.

C. C. Kirven, to be notary public, Freestone county.

William E. Benner, to be notary public, Freestone county.

L. S. Mooring, to be notary public, Grimes county.

Thos. W. Randolph, to be notary public, Grayson county.

Z. N. Fugate, to be notary public, Grayson county.

James Paxton, to be notary public, Grayson county.

John R. Diamond, to be notary public, Grayson county.

M. V. B. Bennett, to be notary public, Grayson county.

James E. Dowens, to be notary public, Houston county.

R. A. Giraud, to be notary public, Harris county.

B. F. McDonough, to be notary public, Harris county.

R. P. Littlejohn, to be notary public, Harrison county.

A. Heiduseck, to be notary public, Fayette county.

E. H. Fordtran, to be notary public, Fayette county.

A. C. Brown, to be notary public, Fayette county.

E. C. Phelps, to be notary public, Fayette county.

Alfred Henderson, to be notary public, Fayette county.

Jasper H. Johnson, to be notary public, Kaufman county.

Fleming A. Waters, to be notary public, Kaufman county.

Thomas Pratt, to be notary public, Lampasas county.

Henry Moore, to be notary public, Lamar county.

G. B. Broadwater, to be notary public, Lavaca county.

H. M. Johnson, to be notary public, Leon county.

D. A. Kelley, to be notary public, McLennan county.

J. J. Riddle, to be notary public, McLennan county.

W. A. Taylor, to be notary public, McLennan county.

W. H. Grigsby, to be notary public, Montague county.

J. M. Stephens, to be notary public, Montague county.

J. J. Hammoek, to be notary public, Montague county.

H. T. Foushee, to be notary public, Montague county.

A. B. White, to be notary public, Montague county.

E. C. Chambers, to be notary public, Montgomery county.

Lemuel G. Clipper, to be notary public, Montgomery county.

John L. Dupree, to be notary public, Montgomery county.

Jacob M. Fullenwider, to be notary public, Montgomery county.

John Henry Parsons, to be notary public, Marion county.

Chas. F. Gribble, to be notary public, Marion county.

S. O. Cotton, to be notary public, Marion county.

James F. Hunter, to be notary public, Nacogdoches county.

O. M. Stone, to be notary public, Navarro county.

J. C. Russell, to be notary public, Nueces county.

J. B. Mitchell, to be notary public, Nueces county.

J. A. Hays, to be notary public, Panola county.

John M. Mayes, to be notary public, Panola county.

Brook D. Holland, to be notary public, Panola county.

William A. Planahan, to be notary public, San Augustine county.

B. B. Paddock, to be notary public, Tarrant county.

A. B. Palm, to be notary public, Travis county.

L. M. Mays, to be notary public, Williamson county.

C. B. Hall, to be notary public, Washington county.

W. J. Callaway, to be notary public, Washington county.

H. W. Barclay, to be notary public, Johnson county.

Respectfully submitted,

RICHARD COKE, Governor.

On motion of Senator Hobby, the Senate went into executive session.

IN SENATE.

Senator Randle, chairman of the Com-

mittee on Engrossed Bills, made the following report:

*Hon. R. B. Hubbard, President of the Senate:*

Your Committee on Engrossed Bills beg leave to report that they have carefully examined and compared Senate bill No. 64, "An act amendatory of an act supplementary to 'An act authorizing the disposition and sale of the university lands,' approved August 30, 1856; approved November 12, 1866; and find the same correctly engrossed.

ED. RANDLE, Chairman.

Senator Ireland moved to suspend the rules to take up the bill introduced by him this morning, "An act to amend section thirteen of 'An act providing for a geological survey of the State of Texas,'" approved August 13, 1870. Rules suspended, bill taken up, read second time and ordered engrossed.

On motion of Senator Ireland, the rules were further suspended, bill read third time and passed.

#### ORDERS OF THE DAY.

House bill No. 88, "An act to create a lien in favor of the proprietors of livery or other public stables," was read first time and referred to Committee on State Affairs.

The President announced Senators Culberson, Ball and Ellis as a special committee on impeachment.

The President announced Senators Dillard, Moore and Ireland as Senate joint committee in regard to redistricting the State into congressional districts.

The secretary was instructed to inform his Excellency, the Governor, that the Senate does advise and consent to the appointment of all the nominations made in his message as above, except for the counties of DeWitt, Montague and Bexar.

On motion of Senator Culberson, the Senate adjourned to 10 o'clock A. M. Monday.

#### TWENTY-SECOND DAY.

SENATE CHAMBER, {

AUSTIN, February 9, 1874. }

Senate met pursuant to adjournment. Roll called; quorum present.

Prayer by the chaplain.

Journal of Saturday read and adopted.

On motion of Senator Westfall, Senator Russell was added to the Committee on Printing.

Senator Westfall presented a petition of the heirs of James Rogers. Read and referred to Committee on Public Debt.

Senator Ireland presented a petition from J. M. Wilson. Referred to Committee on State Affairs.

Senator Randle, Chairman of Committee on Engrossed Bills, submitted the following reports:

*Hon. R. B. Hubbard, President of the Senate:*

Your Committee on Engrossed Bills beg leave to report that they have carefully examined and compared Senate joint resolution No. 98, "An act authorizing the Governor to employ one or more additional clerks," and find the same correctly engrossed.

ED. RANDLE, Chairman.

*Hon. R. B. Hubbard, President of the Senate:*

Your Committee on Engrossed Bills beg leave to report that they have carefully examined and compared Senate bill No. 94, "An act authorizing the Secretary of State to employ additional clerical force in his office," and find the same correctly engrossed.

ED. RANDLE, Chairman.

*Hon. R. B. Hubbard, President of the Senate:*

Your Committee on Engrossed Bills beg leave to report that they have carefully examined and compared Senate bill No. 58, "An act prescribing the mode of proceeding in district courts, in matters of probate;" also, Senate bill No. 61, "An act to provide for the public printing by contract;" also, Senate bill No. 29, "An act to validate the registry of deeds, bonds and other evidences of title in certain cases," each and all of which we find correctly engrossed.

ED. RANDLE, Chairman.

Senator Stirman, chairman of the Committee on State Affairs, submitted the following reports:

*Hon. R. B. Hubbard, President of the Senate:*

Your Committee on State Affairs, to whom was referred Senate bill No. 111, "An act to amend 'An act incorporating the town of Georgetown,'" have carefully examined and considered the same, and being of the opinion that this bill is in conflict with section forty, article twelve of the general provisions of the Constitution, as amended, instruct me to report it back, with the recommendation that it do not pass.

All of which is respectfully submitted.

W. B. STIRMAN, Chairman.

*Hon. R. B. Hubbard, President of the Senate:*

Your Committee on State Affairs, to whom was referred Senate bill No. 68, "An act for the preservation of birds and game," have carefully examined and considered the same, and instruct me to report it back, with the recommendation that the enacting clause and all thereafter be stricken out, except the words "grouse and green skin," and your committee further instruct me to recommend that the bill, as amended, be rejected.

All of which is respectfully submitted.

W. B. STIRMAN, Chairman.

A message from the House was received, announcing the passage of House bill No. 90, "An act to repeal an act entitled 'An act to locate the county seat of Trinity county,'" approved May 30, 1873; also, a concurrent resolution of "Thanks to the